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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,252	04/20/2000	Steven S. Alterman	CM03022J	5431

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Attn James A Lamb
Motorola Inc
Intellectual Property Section
8000 West Sunrise Boulevard
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EXAMINER

NGUYEN, DAVID Q

ART UNIT

PAPER NUMBER

2681

6

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,252

Applicant(s)

ALTERMAN ET AL.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1,3-8, and 10-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 10 is objected to because of the following informalities:

Claim 10 depends on claim 9. Claim 9 was cancelled. Therefore, claim 10 can not depend on claim 9. Claim 10 should depend on claim 8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1,3-4,8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaughnessy et al. (US Patent Number 6141347).

Regarding claim 1, Shaughnessy et al disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios each having a unique Internet Protocol (IP) address (see abstract and fig. 2) comprising the steps of: (a) selecting a set of target radios from amongst the plurality of radios by a dynamic group call originator (see col. 3, lines 18-25 and col. 5, lines 49-59), the dynamic group call originator being a radio located in the radio communication system (see fig. 2); (b) transmitting a message from the dynamic group call originator to each of the set of target radios (see col. 5, lines 42-43; col. 6, lines 38-42; col. 8, lines 21-23); and (c) causing the target radios and the dynamic group call originator to establish a dynamic talk group where the dynamic group call will take place (see col. 7, lines 43-52).

Regarding claim 3, Shaughnessy et al disclose the subscriber unit transmits a message comprising the multicast address (see col. 5, lines 60-63 and fig. 2). It is apparent that the message transmitted to each of the target radios in step (b) comprises a packet data message.

Regarding claim 4, Shaughnessy et al disclose step (d) transmitting an acknowledgement message to the dynamic group call originator from each of the target radios that successfully received the message transmitted in step (b) (see col. 8, lines 21-25).

Regarding claim 8, Shaughnessy et al disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios each having a unique

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Internet Protocol (IP) address (see abstract and fig. 2) comprising the steps of: (a) selecting a set of target radios from amongst the plurality of radios by a dynamic group call originator (see col. 3, lines 18-25 and col. 5, lines 49-59), the dynamic group call originator being a communication device coupled to the radio communication system (see fig. 2, mobile phones 210, 217); (b) transmitting a first message including the first target radio's IP address from the dynamic group call originator to the first target radio and a second message including the second target radio's IP address from the dynamic group call originator to the second target radio (see col. 5, lines 42-43; col. 6, lines 38-42; col. 8, lines 21-23; see fig. 2); and (c) causing the first and the second target radios and the dynamic group call originator to establish a dynamic talk group where a dynamic group call will take place once the dynamic group call originator has transmitted the first and second messages (see col. 7, lines 43-52).

Regarding claim 11, Shaughnessy et al also disclose the dynamic group call originator comprises a radio amongst the plurality of radios located in the radio communication system (see fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaughnessy et al (US Patent Number 6141347) in view of Grube (US Patent Number 5058199).

Regarding claims 5-6, Shaughnessy et al disclose a method for establishing a dynamic talk group in a radio communication system comprising all of the limitations as claimed. Shaughnessy et al is silent to disclose transmitting a dynamic talk group disconnected message by the dynamic group call originator to the target radios. However, Grube discloses transmitting a dynamic talk group disconnected message by the dynamic group call originator to the target radios (see col. 4, lines 39-50); and disconnecting the target radios from the dynamic group call in response to the step (e) (see col. 3, lines 18-68; col. 4, lines 1-68; col. 5, lines, 1-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Grube to Shaughnessy et al in order to allow the dynamic group call originator to track which radios that had been in the talk group.

Regarding claims 12-16, Shaughnessy et al disclose a method for establishing a dynamic talk group in a radio communication system comprising all of the limitations as claimed. Shaughnessy et al is silent to disclose (d) disconnecting the dynamic talk group; wherein the step (d) is performed by the dynamic group call originator transmitting disconnect message to each of the first and second target radios; and the system controller sending disconnect message to each

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of the first and second target radios and the dynamic group call originator; the system controller sends the disconnect message when it determines that the dynamic group call has exceeded a predetermined period of time; and the system controller sends the disconnect message when it determines that a predetermined period of time has elapsed without any communication activity occurring in the dynamic talk group. However, Grube discloses (d) disconnecting the dynamic talk group; wherein the step (d) is performed by the dynamic group call originator transmitting disconnect message to each of the first and second target radios (see col. 4, lines 39-50); and the system controller sending disconnect message to each of the first and second target radios and the dynamic group call originator; the system controller sends the disconnect message when it determines that the dynamic group call has exceeded a predetermined period of time; and the system controller sends the disconnect message when it determines that a predetermined period of time has elapsed without any communication activity occurring in the dynamic talk group (see col. 3, lines 18-68; col. 4, lines 1-68; col. 5, lines, 1-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Grube to Shaughnessy et al in order to allow the dynamic group call originator to track which radios that had been selected will participate in the dynamic talk group call.

7. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaughnessy et al (US Patent Number 6141347).

Regarding claim 7, Shaughnessy et al disclose a method for establishing a dynamic talk group in a radio communication system comprising all of the limitations as claimed.

Shaughnessy et al is silent to disclose at least one of the target radios in response to the step (b) transmits a message to the dynamic group call originator informing it that it is not available to

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participate in the dynamic talk group. However, Shaughnessy et al also disclose: "a site transmits paging message to subscriber units affiliated with the site and a talkgroup. If all of the paged subscriber units fail to respond with an acknowledgement to the page, then it is assumed that the talkgroup is no longer represented at the site" (see col. 8, lines 21-25). It is apparent that Shaughnessy et al disclose an equivalent structure. Therefore, they are recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute "fail to respond with an acknowledgement to the page, then it is assumed that the talkgroup is no longer represented at the site" for "transmits a message to the dynamic group call originator informing it that it is not available to participate in the dynamic talk group"

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaughnessy et al (US Patent Number 6141347) in view of Turina (US Patent Number 6031832).

Regarding claim 10, Shaughnessy et al disclose a method for establishing a dynamic talk group in a radio communication system comprising all of the limitations as claimed. Shaughnessy et al is silent to disclose the communication device comprises a computer coupled to the radio communication system via a communication network (see fig. 1 and col. 5, lines 53-55). However, Turina discloses a computer communicates with wireless network as a mobile phone. It is apparent that the computer can act as the communication device for establishing a dynamic talk group in a radio communication system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Turina to Shaughnessy et al so that the dynamic group call originator can be used for 911 system.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 7036054254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9508 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

May 2, 2003

JEAN GELIN
PATENT EXAMINER

Jean Allan Gelin